REMARKS

Claims 24 and 27-32 have been amended. New claims 33 and 34 have been added. The application as amended contains claims 24-34. Applicants reserve the right to pursue the original claims and other claims in this and in other applications. A Petition for Extension of Time and a Request for Continued Examination are being filed concurrently herewith.

Claims 24-30 and 32 are rejected under 35 U.S.C. § 102 as being anticipated by Keese. Reconsideration is respectfully requested. The claims as amended should be patentably distinguishable over Keese. Among other things, Keese fails to disclose or suggest the control device of amended independent claim 24, which "determines a condition of the alignment deflector by varying the condition of the . . . deflector, and then calculates a signal supplied to the . . . deflector based on the determined condition," in combination with the other limitations of claim 24. Please consider the following.

Keese, column 3, lines 47-53, describes merely the general requirements for alignment for reducing the dependency on operator judgments and for improving consistency, accuracy, and reliability of alignment. There is no disclosure concerning the determination of the condition of an alignment deflector by changing the alignment deflector condition.

In column 6, lines 52-65, Keese indicates that an image of a magnified boundary portion is analyzed by a pattern recognition circuit, that a signal IND is produced that indicates the position of the image, that the signal IND is produced at the extremes of a focus range, that the signal INDs obtained at the extremes of focus range are compared in the control circuit so as to detect the translation of the magnification

portion, and that the control circuit feeds alignment control signals LC1 and LC2 to an alignment coil. Keese thus refers to the acquisition of images at two points within the focus range and feeding alignment control signals LC1 and LC2. Please note, however, that the determination of the condition of the alignment deflector by changing the alignment deflector condition is not disclosed.

Keese does not describe how the signals LC1 and LC2 are produced based on the detected translation between images. In accordance with the present invention, signals fed to the alignment deflector can be calculated after determining the instant deflector condition by changing the alignment deflector condition. Therefore, accurate signals to the alignment deflector can be calculated. Keese does not disclose such confirmation of the alignment condition between detecting the translation between images and producing the signals LC1 and LC2. Thus, Keese cannot accurately calculate the signals, and, as described in column 7, lines 21-24, it is necessary to repeat detecting image translation and adjusting alignment. This is due to the fact that, because accurate signals cannot be calculated, it is impossible to calculate signals such that the translation can be minimized.

In column 5, lines 37-53, Keese indicates that signals LC1 and LC2 for automatically correcting beam alignment are produced based on the signal FD from a flash detector. This is similar to the description in column 6, lines 52-65, and there is no description of any confirmation of the alignment condition, as in the present invention. Merely calculating the signal for beam alignment in accordance with the translation does not allow for accurate alignment. The condition of the alignment deflector is not always stable and it could vary. Therefore, signals calculated based on the translation alone without confirming the condition of the alignment deflector could be inaccurate, resulting in the need to repeat the detection of translation and the generation of the

signals LC1 and LC2, as mentioned above. In accordance with the present invention, the condition of the alignment deflector can be actually changed so as to confirm its condition, and then signals are calculated, so that accurate signals can be calculated.

In column 8, lines 3-39, Keese indicates that an astigmatism correction signal ASC is produced by the control circuit for astigmatism correction purposes. The ASC signal does not, however, correspond to "the condition of the alignment deflector" as recited in amended claim 24. Keese produces the signal merely for astigmatism correction, not for the determination of the condition of the alignment deflector, nor for the calculation of the signals to be fed to the alignment deflector.

Claims 25-32, as amended, depend from claim 24 and should be allowable along with claim 24 and for other reasons. Onoguchi is cited in the Office Action, but only in connection with a feature recited in dependent claim 31. Onoguchi does not overcome the deficiencies of Keese, outlined above. Allowance of the application with claims 24-34 (including new claims 33 and 34) is solicited.

Dated: August 25, 2005

Respectfully submitted,

By _____

Mark J. Thronson
Registration No. 33,082
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 775-4742

Attorneys for Applicants